

Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
The Library of Congress

In the Matter of

DETERMINATION OF RATES AND
TERMS FOR MAKING AND
DISTRIBUTING PHONORECORDS
(PHONORECORDS IV)

Docket No. 21–CRB–0001–PR
(2023–2027)

**DECLARATION IN SUPPORT OF APPLE INC.’S OPPOSITION TO THE
COPYRIGHT OWNERS’ MOTION TO COMPEL PRODUCTION OF DOCUMENTS
AND INFORMATION FROM SERVICES CONCERNING THEIR RATE PROPOSALS**

1. I represent Apple Inc. (“Apple”) in the above-captioned proceeding. I respectfully submit this declaration in support of Apple’s Opposition to the Copyright Owners’ Motion to Compel Production of Documents and Information from Services (the “Opposition”), which Apple filed on February 3, 2022.

2. I am familiar with the facts and circumstances set forth herein.

3. Filed concurrently with Apple’s Opposition as **Exhibit A** is a true and correct copy of a letter from Frank Scibilia to Mary Mazzello dated November 24, 2021.

4. Filed concurrently with Apple’s Opposition as **Exhibit B** is a true and correct copy of a letter from Mary Mazzello to Frank Scibilia dated December 2, 2021.

5. Filed concurrently with Apple’s Opposition as **Exhibit C** is a true and correct copy of a letter from Frank Scibilia to Mary Mazzello dated December 3, 2021.

6. Filed concurrently with Apple’s Opposition as **Exhibit D** is a true and correct copy of a letter from Frank Scibilia to Mary Mazzello dated December 6, 2021.

7. Filed concurrently with Apple's Opposition as **Exhibit E** is a true and correct copy of a letter from Mary Mazzello to Frank Scibilia dated December 7, 2021.
8. Filed concurrently with Apple's Opposition as **Exhibit F** is a true and correct copy of a letter from Mary Mazzello to Frank Scibilia dated December 10, 2021.
9. Filed concurrently with Apple's Opposition as **Exhibit G** is a true and correct copy of a letter from Frank Scibilia to Mary Mazzello dated December 17, 2021.
10. Filed concurrently with Apple's Opposition as **Exhibit H** is a true and correct copy of a letter from Mary Mazzello to Frank Scibilia dated December 21, 2021.
11. Filed concurrently with Apple's Opposition as **Exhibit I** is a true and correct copy of a letter from Frank Scibilia to Mary Mazzello dated December 23, 2021.
12. Filed concurrently with Apple's Opposition as **Exhibit J** is a true and correct copy of Apple Inc.'s First Supplemental Responses to Copyrights Owners' Interrogatories to Each of the Service Participants dated January 27, 2022.
13. Filed concurrently with Apple's Opposition as **Exhibit K** is a true and correct copy of Apple Inc.'s First Supplemental Responses to Copyrights Owners' Interrogatory No. 12 to Each of the Service Participants dated February 3, 2022.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that, to the best of my knowledge, information and belief, the foregoing is true and correct.

Dated: February 3, 2022
New York, NY

/s/ Mary Mazzello

Mary Mazzello
Kirkland & Ellis LLP
601 Lexington Avenue
New York, NY 10022
Tel: 212-446-4800
mary.mazzello@kirkland.com

Counsel for Apple Inc.

Proof of Delivery

I hereby certify that on Thursday, February 03, 2022, I provided a true and correct copy of the Declaration of Mary Mazzello Regarding Exhibits to Apple Inc.'s Opposition to Copyright Owners' Motion to Compel Production of Documents and Information From Services Concerning Their Rate Proposals to the following:

Copyright Owners, represented by Benjamin K Semel, served via ESERVICE at
Bsemel@pryorcashman.com

Google LLC, represented by Gary R Greenstein, served via ESERVICE at
ggreenstein@wsgr.com

Zisk, Brian, represented by Brian Zisk, served via ESERVICE at brianzisk@gmail.com

Spotify USA Inc., represented by Joseph Wetzel, served via ESERVICE at
joe.wetzel@lw.com

Amazon.com Services LLC, represented by Joshua D Branson, served via ESERVICE at
jbranson@kellogghansen.com

Johnson, George, represented by George D Johnson, served via ESERVICE at
george@georgejohnson.com

Powell, David, represented by David Powell, served via ESERVICE at
davidpowell008@yahoo.com

Joint Record Company Participants, represented by Susan Chertkof, served via ESERVICE
at susan.chertkof@riaa.com

Pandora Media, LLC, represented by Benjamin E. Marks, served via ESERVICE at
benjamin.marks@weil.com

Signed: /s/ Mary C Mazzello